

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ACH-2976 US

First named inventor: Frans Lodewijk PLANTENGA

Application No.: 10/728,489

Art Unit: 1797

Filed: December 5, 2003

Examiner: Tam M. NGUYEN

Title: Heavy Feed HPC Process Using a Mixture of Catalysts

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1620.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Notice of Appeal (identify type of reply):

- ☒ has been filed previously on September 11, 2009.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Jeremy J. Kliebert

Type or Printed name

451 Florida Street

Address

Baton Rouge, Louisiana 70801

Address

December 17, 2009

Date

48,227

Registration Number, If applicable

225-388-8191

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

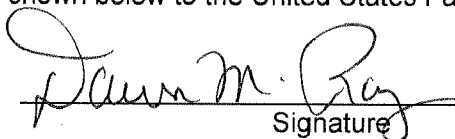
I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by EFS-web on the date shown below to the United States Patent and Trademark Office

December 17, 2009

Date



Signature

Dawn M. Ray

Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Support for Petition to Revive

Applicants did not receive the Advisory Action nor the Notice of Abandonment at the address of record. The facts surrounding this situation are set forth below, along with Assignee's response and comments.

Summary of Relevant Facts

In the present application, a change of address form, attached as Exhibit A hereto was filed on April 17, 2007, changing the address of record to the address associated with Customer Number 56744.

A change of power of attorney was also filed in the present application on December 19, 2005, and is attached hereto as Exhibit B.

During the prosecution of this application, and after the filing of both the Change of Address and Power of Attorney, the United States Patent and Trademark Office ("USPTO") continued to communicate with Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408. During Mr. Morris' time at the Dobbs Ferry address, he forwarded Assignee's mail to the correct address.

During the time of Mr. Morris' forwarding Assignee's mail, Assignee contacted the USPTO several times via telephone to inform the USPTO of the filing of the change of correspondence address and request a correction, but no correction was made.

On June 13, 2008, an Advisory Action was issued in the present application, and the Advisory Action was mailed to Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408.

Mr. Morris had relocated his office from the Dobbs Ferry address, and the Advisory Action issued by the Examiner was sent to Mr. Morris' Dobbs Ferry address. It was returned to the USPTO as undeliverable.

On August 10, 2009, the USPTO sent a Notice of Abandonment to Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408. It was also returned to the USPTO as undeliverable.

Attached as Exhibit C is the record now available from the PAIR system indicating the correct address associated with Customer Number 7982, but the incorrect customer number and incorrect listing of attorneys of record.

Assignee's Comments and Remarks

Assignee was unable to reply to the Advisory Action because it was not received, and the entire delay in responding to such Advisory Action was unintentional. In short, since Assignee did not receive the Advisory Action, it was not able to ascertain that the response to the Final Office Action was not entered and accepted as placing the application in condition for allowance.

APR 17 2007

PCT Help Desk
US Patent and Trademark Office
Telephone: (571) 272-4300
Facsimile: (571) 273-0419

Fax

To:	OIPE	From:	Shian Luong
			Special Programs Examiner
Fax:	571-273-8300	Pages:	12
Phone:		Date:	17 April 2007
Re:	Change of Address	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

To Whom It May Concern:

Please see the attached request by applicant for the change of correspondence address. Please update the change.

Best regards,

Shian Luong
PCT Special Programs Office
USPTO
Shian.luong@uspto.gov

RECEIVED
CENTRAL FAX CENTER

002
From: Deborah White

APR 17 2007

RECEIVED

APR 11 2007

PCT SPECIAL
PROGRAMS OFFICE

HOWREY

2941 FAIRVIEW PARK DRIVE
SUITE 200

FALLS CHURCH, VA 22042

PHONE: 703.663.3600 • DIRECT FAX: 703.852.7204

Date: April 11, 2007

To: Name: PCT-Help Desk - URGENT

Company: USPTO

Fax Number: 571-273-0419

Phone Number: 571-272-4300

From: Name: Michael J. Bell

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Message:

Gentlemen:

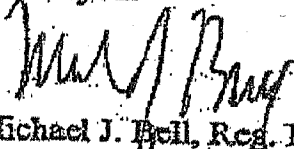
On January 5, 2007 we filed Change of Correspondence Address forms to move several applications to Customer Number 56744 from Customer Number 32894. This has still not been completed properly.

I have attached copies of the Change of Correspondence Address Application forms and the stamped postcard receipt.

Please forward to DOBO and have the updates completed as soon as possible. The change of address forms are already associated with each application.

If you have any questions, please contact Deborah White at 703-663-3751.

Thank you.


Michael J. Bell, Reg. No. 39604

DM_US20345334_2

Please indicate receipt of the below-identified paper:

PTO

☐ New Application For: Type of Patent ☐ Priority Date: ☐ P2n Priority claimed ☐ Fee App: 5.0 any fees specified ☐ Act No: 08-3014

☐ Continuation ☐ CIP ☐ Divisional ☐ CPA ☐ RCE

☐ Specification: ☐ Pages ☐ Drawings: ☐ Sheets ☐ Final Rejection

☐ Response to Office Action Date: ☐ Other: Mail Stop: RBC: Request for Change of Correspondence Address Transmittal-1 page: PTO/SB/122-12 format: PTO/SB/123-43 Format: 1 return notepad

☐ Assignment Enclosed ☐ Cert. of Express Mailing ☐ Exp. Mail:

IDENTIFICATION OF APPLICATION

Serial No.: Filing Date: Responsible Aty: Bell

Title:

Applicant: Entered By: Surgery

Client: Firm File No: 00137-0001-000000

To PTO VIA Hand Delivery on Date: 1/5/2007 Due Date: 1/5/2007

Stamp: JAN 05 2007

APR 17 2007

PTO/SB/122 (01-06)

Approved for use through 12/31/2008. OMB 0851-0035
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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
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Alexandria, VA 22313-1450

Application Number	10/728,489
Filing Date	12-05-2003
First Named Inventor	Frans Plantinga
Art Unit	1764
Examiner Name	DOUGLAS, JOHN CHRISTOPHER
Attorney Docket Number	001370081NPUS01

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with
Customer Number:

56744

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record. Registration Number 38604

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature Michael Bell
3/3/07

Typed or Printed
Name Michael Bell

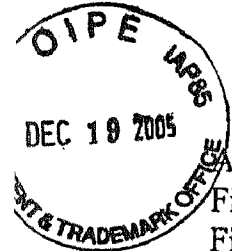
Date 3/3/07 Telephone 703-863-3600

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1Pw

Application Number: 10/728489
Filing Date: 5 December 2003
First Named Inventor: Frans Plantenga
Title: Heavy feed HPC process using a mixture of catalysts
Art Unit: 1764
Examiner Name: Griffin, Walter Dean
Attorney Docket Number: ACH2976US

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

TO: Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I HEREBY REVOKE all previous powers of attorney given in the above-identified application.

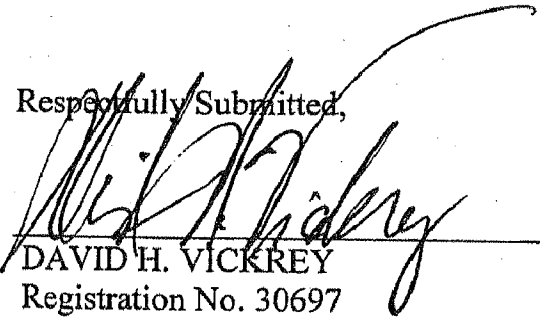
I HEREBY APPOINT practitioners associated with Customer Number **007982** as the attorneys or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

PLEASE CHANGE THE CORRESPONDENCE ADDRESS for the above-identified application to: The address associated with Customer Number **007982**.

I am the Attorney of Record. Registration No. **30697**. Please direct correspondence or inquiries regarding this matter to:

Marcy M. Hoefling
Registration No. 33955
Albemarle Corporation
451 Florida Street
Baton Rouge, Louisiana 70801
Phone 225-388-7210
Fax 225- 388-7239

Respectfully Submitted,


DAVID H. VICKREY
Registration No. 30697



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10/728,489

Heavy feed HPC process using a mixture of catalysts

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Correspondence Address

Name: ALBEMARLE CORPORATION

Address: PATENT DEPARTMENT
451 FLORIDA STREET
BATON ROUGE LA 70801

Customer Number: 7982

Attorney/Agent Information

Reg #	Name	Phone
25677	Fennelly, Richard	--
34054	Mancini, Ralph	914-674-5465
35608	McGillycuddy, Joan	914-674-5463
28100	Morris, Louis	773-320-6774
36123	Parker, Lainie	914-419-8797
30697	Vickrey, David	914-333-7449

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